

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
No. 25-CV-02836-LMP-JFD

_____)	
Va Vang,)	
)	
Petitioner,)	PETITIONER’S
)	REPLY RE: HABEAS
)	CORPUS PETITION
v.)	
)	
James McHenry, et al.,)	
)	
Respondent.)	
_____)	

Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 and emergency preliminary injunctive relief. ECF No. 1. On July 24, 2025, Respondents filed an opposition response. ECF No. 6. This reply follows.

Petitioner advances two theories of unconstitutional or unlawful confinement. First, his continued detention in post-removal-order custody is unlawful under the due process standards set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and his removal to Laos is unlikely to occur in the reasonably foreseeable future. ECF No. 1 at ¶ 23. Second, the government has violated its own regulations governing redetention of persons previously ordered removed who ICE has previously determined cannot be removed, thereby independently denying Petitioner due process of law. *See id.* at ¶ 25.

RELEVANT FACTUAL & PROCEDURAL HISTORY

Petitioner was ordered removed from the United States by an immigration judge (“IJ”) in Chicago, IL on August 5, 2004. *See* ECF No. 7 at ¶ 7. Petitioner was then “paroled

into ICE custody for removal” on January 15, 2009. *Id.* at ¶ 8. However, on August 4, 2009, after determining “that there was no significant likelihood of removal in the reasonably foreseeable future,” Petitioner was released “on an Order of Supervision” (“OOS”).

Petitioner was then served with a Notice of Revocation of Release (“Notice”) on June 6, 2025 by federal agents. The government has never claimed, and does not now claim, that Petitioner’s redetention is justified on the basis of some new crime or as a consequence of violating the terms of his OOS. Rather, the government redetained Petitioner after nearly 16 years of supervised release on the theory that Petitioner’s removal to Laos was now reasonably foreseeable. *See* ECF No. 7 at ¶¶ 9-11. Astoundingly, at the time Petitioner was redetained, the government had not even applied for a travel document for Petitioner. Eighteen days after detaining Petitioner, the government finally applied for a travel document to Laos.

Thus, when Petitioner was detained on June 6, 2025, the only basis the government had for believing that Petitioner’s removal was imminently foreseeable was the alleged facts that: (1) “[t]he government of Laos has been cooperative with travel document issuance [since January 2025]”; (2) [s]ince January of 2025, ERO St. Paul has successfully removed 6 Laotians to Laos.”; and (3) Petitioner “is similarly situated to the other citizens and nationals of Laos who have been successfully removed to Laos after travel document issuance by the Laotian Government.” *Id.* at ¶ 11.

ARGUMENT

I. The Government Is Abridging Petitioner's Constitutional Right to Due Process of Law.

Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241. As the government notes in its response, § 1231 mandates detention "[d]uring the removal period." *Accord* 8 U.S.C. § 1231(a)(1)(A), (a)(2). However, the same sections also require the government to actually remove the alien during this removal period. 8 U.S.C. § 1231(a)(1)(A). Petitioner's removal period began on January 15, 2009, "the date the [Petitioner] was released from [criminal] detention or confinement" after his order of removal became administratively final. 8 U.S.C. § 1231(a)(1)(B); ECF No. 7 at ¶ 8.

The "removal period" is "90 days." 8 U.S.C. § 1231(a)(1)(A). Petitioner's removal period therefore elapsed on April 15, 2009. Nonetheless, Petitioner was not released on an OOS until August 4, 2009, ECF No. 7 at ¶ 8, a period of 201 days (223% longer than the 90-day removal period). The government briefly addresses this in its response, alleging that Petitioner's lengthy detention past the removal period was justified because he had been convicted of an aggravated felony under 8 U.S.C. § 1227(a)(2). *See* ECF No. 6 at 7 (citing 8 U.S.C. §§ 1231(a)(6), (a)(1)(C)).¹ If Petitioner's periods of confinement in ICE detention since his removal order became administratively final are aggregated, Petitioner

¹ The government does not allege that Petitioner "fail[ed] or refuse[d] to make timely application in good faith for travel or other documents necessary to [Petitioner's] departure," nor has the government alleged that Petitioner "conspire[d] or act[ed] to prevent [his] removal." *Compare* 8 U.S.C. § 1231(a)(1)(C) *with* ECF Nos. 6, 7.

has been detained in ICE custody for 260 days as of August 4, 2025 (170 days longer than the removal period).

Even when an alien may be held past the removal period under 8 U.S.C. § 1231(a)(6), the alien may seek and obtain release by demonstrating that “there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future.” 8 C.F.R. § 241.13(a); ECF No. 6 at 8.

Once a noncitizen is released on an OOS, they are subject to certain conditions of release. *See* 8 C.F.R. § 241.13(h)(1). Redetention is permitted where it is alleged a noncitizen violated the conditions of release. *See* 8 C.F.R. § 241.13(h)(2), (i). No allegation is made that Petitioner violated the conditions of release. *See* ECF No. 7.

Regulations also permit the government to withdraw or otherwise revoke release under specific circumstances. *See* 8 C.F.R. § 241.13(h)(4). One permissible reason to revoke release occurs when, “on account of changed circumstances, the Service determines that **there is a significant likelihood** that the alien may be removed **in the reasonably foreseeable future.**” 8 C.F.R. § 241.13(i)(2) (emphasis added). Once such a determination is made, the noncitizen must “be notified of the reasons for revocation of [their] release” and must be provided with “an initial informal interview... to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.13(i)(3). “The revocation custody review **will** include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.* (emphasis added). If a

noncitizen is not released following the informal interview, “the provisions of [8 C.F.R. § 241.4] shall govern the alien’s continued detention pending removal.” 8 C.F.R. § 241.13(i)(2). Once the provisions of § 241.4 take effect, it appears that the consequence is a total reset of the 90-day removal period under 8 U.S.C. § 1231(a). *See* 8 C.F.R. § 241.4(b)(4).

Under the Supreme Court’s decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. 678, 699-700 (2001). “*Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional.” ECF No. 6 at 12-13 (citing *Zadvydas* at 701). *Zadvydas* also stated:

After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, **the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the “reasonably foreseeable future” conversely would have to shrink.**

533 U.S. at 701 (emphasis added).

A. Petitioner’s Current Detention Is Unconstitutional Under *Zadvydas*.

The government contends that, “under *Zadvydas*, a habeas petitioner bears the initial burden of demonstrating that there is no significant likelihood of his removal in the reasonably foreseeable future.” ECF No. 6 at 13. The government argues that “Petitioner has not shown a due process violation under *Zadvydas* here, as he has not met his initial burden to ‘provide[] good reason to believe that there is no significant likelihood of

removal in the reasonably foreseeable future.” ECF No. 6 at 13. The government errs, however, because Petitioner previously and necessarily met this evidentiary burden in 2009, as demonstrated by his release on an OOS on August 4, 2009. Thus, the government, not the Petitioner, bears the burden of making an evidentiary showing that satisfies *Zadvydas* by rebutting the showing Petitioner previously made that there was no significant likelihood of removal in the reasonably foreseeable future prior to his release on August 4, 2009. If the Court were to allow the government to arbitrarily reset the removal period 16 years later and then force Petitioner to make another new showing that removal is not significantly likely to occur in the reasonably foreseeable future under 8 C.F.R. § 241.4, the Court would necessarily render 8 C.F.R. § 241.13(i)(2)-(3) and 8 U.S.C. § 1231(a)(1), (3) superfluous while simultaneously negating the Supreme Court’s principal holding in *Zadvydas*. The Court must reject the government’s attempts to improperly shift the evidentiary burden to Petitioner.

Petitioner cannot be removed to Laos until the government obtains a travel document for Petitioner that allows him to enter Laos. The government has been unable to obtain a travel document that would permit Petitioner’s removal to Laos since January 2009, a period of more than 16 years. Petitioner was taken into custody prior to the government applying for a travel document for Petitioner. The government still does not have a travel document for Petitioner even though, as of the time of this reply’s filing, 59 days have elapsed since Petitioner was redetained.

Zadvydas stated that “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’

conversely would have to shrink.” 533 U.S. at 701. In the case before the Court, Petitioner’s aggregate period of prior post-removal confinement has grown to 260 days as of the date of this memorandum’s submission (201 days in 2009 plus 59 days so far in 2025). By August 14, 2025, Petitioner’s aggregate period of prior post-removal confinement will have stretched to 300% of the statutory removal period. This means that “the reasonably foreseeable future,” as applied to the facts of Petitioner’s case, is significantly shorter than would be the case for an individual with a significantly shorter period of prior post-removal confinement. *Zadvydas*, 533 U.S. at 701. Petitioner submits that the 59-day period that has already elapsed since June 6, 2025 presently exceeds the meaning of “the reasonably foreseeable future” as applied to the facts of Petitioner’s case, especially considering the 16-year gap between Petitioner’s initial release from detention and redetention.

Zadvydas, in the context of Petitioner’s case, requires the government to have sufficient evidence to rebut the previously established showing that Petitioner’s removal is not significantly likely to occur in the reasonably foreseeable future. Because Petitioner was already confined post-removal-order for a period exceeding six months, in Petitioner’s case, the government was required to already have a valid travel document for Petitioner prior to detaining Petitioner under 8 C.F.R. § 241.13(i)(2)-(3). At absolute minimum, the government would have needed to have already applied for said travel document *and* been given some sort of positive affirmation from the Laotian government that a travel document for Petitioner would be received by a specific date certain in the very near future that would permit the government to promptly deport Petitioner after

redetaining him.

B. The Government's Evidence of Removability Does Not Satisfy *Zadvydas* or 8 C.F.R. § 241.13(i)(2)-(3).

The only evidence the government relied upon to assert that Petitioner's removal was significantly likely to occur in the reasonably foreseeable future consists of: (1) the Notice of Revocation of Release (which states in a completely conclusory fashion that "ICE is in the process of obtaining a travel document from Laos and there is a significant likelihood of your removal in the reasonably foreseeable future"); and (2) Supervisory Detention and Deportation Officer Richard Pryd Jr.'s post-hoc declaration, executed 47 days after Petitioner was redetained. *See* ECF No. 7-5 at 1; ECF No. 7. The Notice's factual claim that "ICE is in the process of obtaining a travel document" is impeached by the Pryd declaration which admits that ICE did not actually apply for a travel document until 18 days after Petitioner was served with the Notice and redetained. *See id.*

Moreover, from a factual standpoint, nothing in the Pryd declaration states how long it took the government to obtain travel documents for the six Laotians previously removed by St. Paul ERO between January 2025 and June 6, 2025. *See generally* ECF No. 7. Similarly, nothing in the Pryd declaration addresses or considers whether the government had tried and failed to obtain travel documents for other Laotians besides the six that were removed between January and June of 2025. *See id.* Relatedly, although the Pryd declaration states that "[t]he Laotian Government has not refused to issue a travel document for VANG or denied ERO St. Paul's request for VANG's travel document," it is equally true the Laotian Government has not actually issued a travel document for

Petitioner or granted ERO St. Paul's request for Petitioner's travel document. *See id.*

Thus, the government's determination that removal to Laos is significantly likely to occur in the reasonably foreseeable future requires presuming facts that have no basis for being presumed. Namely, it must be presumed that: (1) Laos does not and will not begin to deny travel documents for Laotians (even though Laos has denied travel documents for Petitioner for more than 16 years); and (2) Laos will issue a travel document in the reasonably foreseeable future. Such presumptions are arbitrary, capricious, unlawful, unconstitutional, and are otherwise reliant upon abuses of discretion in the present context because such presumptions are grounded on conclusory opinions and beliefs rather than on fact and experience. Perhaps more importantly, because the government's determination—*i.e.*, that changed circumstances now support concluding that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future—relies on a series of suppositions rather than actual evidence, the evidence is not competent under *Zadvydas*' burden-shifting scheme and is otherwise incapable of satisfying the strict and explicit requirements of 8 C.F.R. § 241.13(i)(2)-(3).

The government erroneously argues that the Notice complied with § 241.13(i)(2) because it “identified changed circumstances, “namely the fact that ICE was in the process of requesting a travel document from Laos and ICE ‘has determined that there is a significant likelihood of removal in the reasonably foreseeable future in your case.’” ECF No. 6 at 9. Thus, the only alleged “changed circumstance” was that “ICE was in the process of requesting a travel document.” It is unclear how this could factually constitute a changed circumstance considering that ICE has been in the process of requesting a travel

document from Laos since January 2009. It is unclear how this could legally constitute a changed circumstance considering that 8 C.F.R. § 241.13(h)(1) explicitly provides that one condition of release on an OOS is “that the alien continue to seek to obtain travel documents,” and it is not alleged that Petitioner has violated any of his OOS conditions. *See* 8 C.F.R § 241.13(i)(2)-(3).

Even assuming *arguendo* that *Zadvydas*’ burden-shifting scheme is somehow inapplicable to Petitioner’s case, the Notice remains legally deficient because the half-sentence explanation of the changed circumstances allegedly justifying redetention is “inadequate to enable [this Court] to perform any meaningful review.” *Cf. Gutierrez-Almazan v. Gonzales*, 491 F.3d 341, 343-44 (7th Cir. 2007). In similar circumstances, when circuit courts of appeals are reviewing denials by the Board of Immigration Appeals (“BIA”) of motions to accept an untimely brief, circuit courts have held the BIA holding “the reason stated by the respondent insufficient for us to accept the untimely brief in our exercise of discretion” is insufficient to allow for meaningful review of the agency’s determination. *See, e.g., Gutierrez-Almazan v. Gonzales*, 491 F.3d 341, 343-44 (7th Cir. 2007); *Garcia Gomez v. Gonzales*, 498 F.3d 1050, 1051 (9th Cir. 2007); *see also Davis v. Garland*, 91 F.4th 1259, 1261-62 (8th Cir. 2024) (citing *Garcia Gomez v. Gonzalez, inter alia*, before granting a petition for review based on the Board’s failure to provide “an adequate explanation” for its decision, preventing this Court from “conduct[ing] a meaningful review of the BIA’s... order”).

C. Petitioner's Interests in Avoiding Unnecessary Extended Detention Far Exceed the Government's Interests in Detaining Petitioner.

Under the Fifth Amendment, no citizen or noncitizen may be deprived of life, liberty, or property without due process of law. *See* U.S. Const. amend. V; *Mathews v. Diaz*, 426 U.S. 67 (1976); *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976) (due process is flexible, and the protections depend on the situation, considering the private interest at issue, the risk of erroneous deprivation of that interest through the procedures used, and the Government's interest). These protections extend to deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

“The essence of due process is the requirement that a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it.” *Mathews*, 424 U.S. at 348–49; *cf. Bridges*, 326 U.S. 135, 152–53 (administrative rules are designed to afford due process and to serve as “safeguards against essentially unfair procedures”).

The *Mathews v. Eldridge* balancing test counsels heavily in favor of finding a due process violation. Petitioner's private interest here is avoiding unnecessary periods of confinement in excess of those which are truly necessary to effect his lawful removal from the United States. *See* 424 U.S. at 334-35. The risk of erroneous deprivation of that interest is especially high where, as occurred in Petitioner's case, the government detains an individual who has previously been thought to be unremovable in the absence of any newly acquired proof that the individual's removal can now be effected. The procedures used in Petitioner's own case are especially concerning, considering Petitioner was incarcerated for eighteen days before the government got around to applying for a travel

document. ECF No. 7 at ¶¶ 9-10. Petitioner's substantial liberty interests and the risk of erroneous deprivation of said interests far outweigh the government's interest in executing a 16-year-old removal order relating to an individual who has not been charged with or convicted of any new crimes since completing the criminal sentences that rendered him removable in the first place.

D. The Government's Detention of Petitioner Is Punitive.

Zadvydas held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (immigration detention must remain “nonpunitive in purpose and effect”) (emphasis added).

The government's redetention of Petitioner is punitive. First, the government detained Petitioner without first obtaining a travel document, which necessarily requires increasing the detention period beyond that which would be necessary to effect a removal after a travel document had already been obtained. Second, the present administration has expressed and vocalized an intent to use civil detention punitively against noncitizens for the dual purposes of: (1) encouraging self-deportation, and (2) coercing foreign recalcitrant governments to issue travel documents for its citizens ordered deported from the United States by demonstrating through a systematic campaign of abuse and terror that the recalcitrant government's citizens detained in post-removal-order custody will suffer immensely in the absence of such travel documents being issued. *Accord* Ratkowski Decl., Exhibit A, *100 Days of Fighting Fake News*, HOMELAND SECURITY (Apr. 30, 2025) (“**The reality is that prison isn't supposed to be fun. It's a necessary measure to protect**

society and **punish** bad guys. It is not meant to be comfortable. What's more: prison can be avoided by self-deportation. CBP Home makes it simple and easy. If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.”) (emphasis added);²³ *Mohammed H. v. Trump*, No.: 25-CV-1576-JWB-DTS, --- F.Supp.3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025) (“Punishing Petitioner for protected speech or **using him as an example to intimidate other students into self-deportation is abusive and does not reflect legitimate immigration detention purposes.**”) (emphasis added); Ratkowski Decl., Exhibit B, Anjana Pawa, *What Did Laos Ever Do to Anyone? A Closer Look At Trump's Travel Ban*, June 12, 2025) (“As for Laos, the administration’s justification remains largely unarticulated, leaving people to wonder why it was included. Its inclusion signals a broader pattern of targeting countries with strained diplomatic ties to the U.S. government. Tensions between the two countries rose as Laos built its diplomatic ties to China, leading U.S. officials to believe that the nation is unaligned with Western diplomacy and security measures. Even with these tensions, punishing Laotian citizens, who often come to the United States for family reunification or education, is a deeply unjust response to diplomatic disagreements.”).

² Available at: <https://www.dhs.gov/news/2025/04/30/100-days-fighting-fake-news>.

³ To the extent necessary to accord the requested relief, Petitioner requests that the Court judicially notice this press release under Fed. R. Evid. 201(b). The fact of the press release’s issuance, and the fact of its contents, both constitute adjudicative facts not subject to reasonable dispute because the press release “can be accurately and readily determined from [federal government] sources whose accuracy cannot reasonably be questioned.”

The foregoing contentions are buttressed by the realization that Petitioner is detained in Freeborn County Jail, a facility designed to house and punish convicted criminals. Petitioner's conditions of confinement are totally indistinguishable from those of convicted criminals, further demonstrating that Petitioner's detention is punitive.

E. Common Sense and Government Sources Both Rebut Contentions That Removal Is Significantly Likely to Occur in the Reasonably Foreseeable Future.

By alleging that removal is significantly likely to occur in the reasonably foreseeable future based on a total of six removals that occurred within a six-month period after more than 16 years of zero removals, the government relies upon the “availability heuristic,” “which means that if one is recently exposed to something, one is far more likely to recall it shortly thereafter.” *Sazerac Co., Inc. v. Fetzer Vineyards, Inc.*, 265 F.Supp.3d 1013, 1027 (N.D. Cal. Sept. 19, 2017) (citation omitted); *see also Nat'l Assoc. for Gun Rights v. Lamont*, 685 F.Supp.3d 63, 106 n.44 (D. Conn. Aug. 3, 2023); *Jandre v. Wisconsin Injured Patients & Families Compensation Fund*, 813 N.W.2d 627, 638 (Wis. 2012) (“‘Hindsight bias’ is a well-documented phenomenon that causes people to overestimate, after the fact, how likely it was that an event would occur simply because the event did, in fact, occur.”) (citations omitted); Circular No. A-4 (Nov. 9, 2023) (O.M.B.), Executive Office of the President, Office of Management and Budget (O.M.B.), *To the Heads of Executive Agencies and Establishments*, 2023 WL 10351512, at *14 (warning about the danger of the “availability heuristic” leading to “availability bias” and “inefficient outcomes when they produce systematic errors”).

Six removals over more than 16 years, even if all six removals occurred in the last

six months, lacks significance. According to recent government data from November 2024, there are at least 4,850 Laotians with final orders of removal living in the United States. *See* Ratkowski Decl., Exhibit C, *ICE Enforcement and Removal Operations* (Nov. 2024).⁴ Six randomly chosen Laotian removals divided by 4,850 persons to be removed equals 0.0012371334, or 0.1237113402%. It is absurd to claim that because ICE has removed 0.12% of a population over a six-month period, after failing to remove a single individual for more than the 16 preceding years, that these six removals somehow render it “**significantly**” likely that removal will be accomplished in the reasonably foreseeable future in Petitioner’s case. Stated differently, it is absurd for the government to claim that Petitioner’s removal is significantly likely to occur imminently despite the government’s failure to remove 99.8762886598% of Laotians with administratively final orders of removal. This absurdity grows with the realization that the government does not even possess a travel document permitting Petitioner to be removed to Laos despite having detained Petitioner for 260 days (and counting) in post-removal-order detention.

Moreover, the United States appears to be attempting to coerce Laos into accepting U.S. deportees, which is material to this case because coercing a traditionally recalcitrant country to accept our own country’s internal domestic policies does not typically remain an effective strategy for long; as soon as Laos can figure out a way to fight back against

⁴ To the extent necessary to accord the requested relief, Petitioner requests that the Court judicially notice this fact sheet under Fed. R. Evid. 201(b). The relevant fact constitutes an adjudicative fact not subject to reasonable dispute because the fact “can be accurately and readily determined from [federal government] sources whose accuracy cannot reasonably be questioned.”

the United States' punitive measures, it will likely stop cooperating with U.S. deportation efforts. This theory is supported by a White House Fact Sheet that explicitly states, "Laos has historically failed to accept back its removable nationals." *See* Ratkowski Decl., Exhibit D *Fact Sheet: President Donald J. Trump Restricts the Entry of Foreign Nationals to Protect the United States...*, THE WHITE HOUSE (June 4, 2025).⁵ ⁶ Laos' historical practices of refusing deportees undercuts ICE's conclusory determination that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future.

Lastly, and somewhat tangentially, according to recent government sources, ICE data is unreliable due to the government "cooking the books." *See* Ratkowski Decl., Exhibit A ("DHS uncovered what should be a massive scandal: the Biden administration was cooking the books on ICE arrest data. They were purposefully misleading the American public..."). In light of the government's own press releases stating its data is unreliable, it is unclear why this Court would accept ICE's unsupported conclusion that removal is significantly likely to occur in Petitioner's case in the reasonably foreseeable future.

⁵ Available at: <https://www.whitehouse.gov/fact-sheets/2025/06/fact-sheet-president-donald-j-trump-restricts-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/>.

⁶ To the extent necessary to accord the requested relief, Petitioner requests that the Court judicially notice this fact sheet under Fed. R. Evid. 201(b). The relevant quoted fact constitutes an adjudicative fact not subject to reasonable dispute because the fact "can be accurately and readily determined from [federal government] sources whose accuracy cannot reasonably be questioned."

CONCLUSION

The Government has wide—but not unlimited—discretion in the immigration realm. *See Zadvydas*, 533 U.S. at 700 (recognizing that Executive Branch's wide discretion regarding immigration remains subject to constitutional limitations); *Ali v. Sessions*, No.: 18-CV-2617-DSD-LIB, 2019 WL 13216940, at *3 (D. Minn. July 30, 2019) (recognizing that attorney general's discretionary detention authority is “subject to the constitutional requirement of due process”). At its foundation, due process prohibits detaining an individual without justification. Petitioner has established, and the Government has not sufficiently rebutted, that his detention is rooted in improper purposes and lacks an individualized legal justification. *See, e.g., Mohammed H.*, 2025 WL 1692739, at *5.

The Court must grant Petitioner’s emergency motion for a temporary restraining order, order Petitioner’s immediate release from custody, and grant the petition. The Court must also permanently enjoin ICE from redetaining Petitioner in the absence of a valid travel document that permits ERO to deport Petitioner to Laos.

DATED: August 4, 2025

Respectfully submitted,

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